

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,)	
)	
Plaintiff,)	Case No. 3:23-cr-45-3
)	
vs.)	ORDER
)	
Shaquiel Anthony Mendez,)	
)	
Defendant.)	

Shaquiel Anthony Mendez is serving a sentence ordered by a North Dakota state court and appeared in this court, following his indictment, pursuant to a writ of habeas corpus ad prosequendum. He is currently being held in United States Marshals Service custody and moves to return to state custody so he may continue to serve his state sentence pending the February 6, 2023 trial of this case. (Doc. 81). With that motion, Mendez filed a waiver of his rights under the anti-shuttling provision of the Interstate Agreement on Detainers Act (IADA). (Doc. 82).

The United States opposes the motion, asserting, “Defendant is charged with witness tampering conspiracy in a murder case, and state authorities may not adequately ensure safety of witnesses or security of Defendant as well as the United States Marshal’s [sic] Service (USMS) and their contract facilities.” (Doc. 83). Further, the United States points to the burden of arrest and transport being the responsibility of state authorities, in the event Mendez were to escape state custody. *Id.* The United States, however, offers no facts showing state correctional authorities are less-well equipped to ensure witness safety or Mendez’s security. Nor has the United States suggested Mendez would be more likely to escape from state custody than from federal custody.

Mendez's motion, (Doc.81), is therefore **GRANTED**. The court directs the United States Marshals Service to return Mendez to the custody of the State of North Dakota when the schedule of the USMS allows it to do so.

IT IS SO ORDERED.

Dated this 24th day of October, 2023.

/s/ Alice R. Senechal
Alice R. Senechal
United States Magistrate Judge